

U.S. Environmental Protection Agency, Region 6  
Enforcement Actions Closed or Concluded in the State of Texas  
1st Quarter of Fiscal Year 2000  
(October 1 - December 31, 1999)

#	State	Statute	Facility Name	Date Final	Type of Action <sup>1</sup>	Penalty Amount <sup>2</sup>	SEP <sup>3</sup>
1	TX	TSCA 153B	Advanced Aromatic	11/30/99	CACO	\$5,128	\$23,000
2	TX	TSCA 153B	Age Refining, Inc.	12/10/99	CACO	\$3,900	\$26,700
3	TX	CWA 301	Alejandro Salinas - Salinas Auto Sal.	10/27/99	CACO	\$1,110	
4	TX	CWA 301	Ali Keshavarzi - Trust Auto Sales	10/27/99	CACO	\$1,245	
5	TX	CWA 301	Alpine, City of	10/29/99	AO		
6	TX	CAA 608	Amarillo Recycling Company	12/28/99	CACO	\$3,000	
7	TX	CWA 301	Amigo Truck Parts, Inc.	10/27/99	CACO	\$1,215	
8	TX	CWA 301	Andres Morales -South Houston Auto	12/23/99	CACO	\$1,390	
9	TX	CWA 301	Angel Gutierrez - Vegas Truck Salv.	10/17/99	CACO	\$1,070	
10	TX	CWA 301	Archive Supplies, Inc.	10/08/99	CACO	\$45,000	
11	TX	CWA 301	Asghar Yakhchali -Apple Auto & Part	10/27/99	CACO	\$1,615	
12	TX	CWA 301	Austin, Texas, City of	10/29/99	CACO	\$21,000	
13	TX	CWA 301	Billy Terrell - Terrell's Auto Parts	12/23/99	CACO	\$5,000	
14	TX	CWA 301	Britmore Utility, Inc.	11/30/99	AO		
15	TX	CWA 301	Bryan, City of	11/30/99	AO		
16	TX	CWA 301	Carl Hugh Millwee - Big Time Truck	10/27/99	CACO	\$1,450	
17	TX	CWA 301	Davidson Wrecker Service Inc.	10/27/99	CACO	\$1,625	
18	TX	CWA 301	Don Bynum - American Auto Salvage	10/27/99	CACO	\$1,515	
19	TX	CWA 311B3	Dynegy Oil Pipeline Company	10/25/99	CACO	\$4,000	
20	TX	CWA 301	Ebco Land Development, Ltd.	10/27/99	AO		
21	TX	RCRA 3005	Encycle/Texas, Inc.	10/07/99	CACO	\$3,500,000	\$6,700,000
22	TX	CWA 301	Eufemia Bazan - J & E Bazan & Sons	12/20/99	CACO	\$2,750	
23	TX	CWA 301	Frank Barnett - Barnett Auto Repair	10/27/99	CACO	\$2,500	
24	TX	CWA 301	Frisco, The City of	12/22/99	AO		
25	TX	CWA 311	Gala Resources, Ltd.	10/28/99	CACO	\$500	

26	TX	CAA 110 CAA 111 CAA 112	GATX Terminals Corp. Galena	12/15/99	CACO	\$23,250	\$107,800
27	TX	CAA 110	GATX Terminals Corp. Pasadena	12/15/99	CACO	\$18,375	\$107,800
28	TX	CWA 301	Gloria Phillips - G & R Pickups	12/20/99	CACO	\$1,375	
29	TX	CWA 301	Gregory Sendejas - City Auto Salvage	10/27/99	CACO	\$1,875	
30	TX	CWA 301	Gulf Coast Waste Disposal	10/27/99	AO		
31	TX	CWA 301	Harris County Sports and Convention	12/22/99	AO		
32	TX	CWA 301	Hekmatollah Mohebpour - Advantage	12/23/99	CACO	\$1,250	
33	TX	CWA 301	Herbert M. Silberman - Mikes Auto	12/23/99	CACO	\$1,360	
34	TX	CWA 301	Herbert L. Felix - Felix's AAA Auto	10/27/99	CACO	\$3,000	
35	TX	CWA 301	Hillsboro, City of	11/30/99	AO		
36	TX	CWA 301	Hollis Dale Pever - Peanuts Perfect	10/27/99	CACO	\$1,465	
37	TX	CWA 301	Houston, The City of	11/30/99	AO		
38	TX	CWA 301	Ingleside, City of	11/30/99	AO		
39	TX	RCRA 3010A RCRA 3005A CWA 301	J.B. Baggett's Superior Bumper Exch.	11/22/99	CACO	\$35,575	
40	TX	CWA 301	Jafar Tafarroji - Express Auto Salvage	10/27/99	CACO	\$1,415	
41	TX	CWA 301	James M. Powell - Best American	10/27/99	CACO	\$1,170	
42	TX	CWA 301	James E. Collier - 390 Collision	10/27/99	CACO	\$1,415	
43	TX	CWA 301	Janice Gutierrez	11/30/99	AO		
44	TX	CWA 301	Jerry Lacina	12/23/99	CACO	\$2,090	
45	TX	CWA 301	Joe Taghani - Budget Imports	10/27/99	CACO	\$1,500	
46	TX	CWA 301	La Madeleine, Inc.	11/30/99	AO		
47	TX	FIFRA 7C	Lang Laboratories, Inc.	11/29/99	CACO	\$0	
48	TX	CWA 311	Larry Staub, Inc.	12/21/99	CACO	\$1,400	
49	TX	CWA 301	Longview Refining Assoc., Inc.	12/22/99	AO		
50	TX	CAA 112	Mabel Gaston	12/30/99	AO		
51	TX	CWA 301	Meer M. Mayel-Ronda Used Auto Parts	10/27/99	CACO	\$1,250	
52	TX	CWA 301	Memorial Villages Water Authority	11/30/99	AO		
53	TX	CWA 301	Michael Gray - Steal-A-Part	10/27/99	CACO	\$4,000	
54	TX	CWA 301	Mohmmad T. Bidabadi-MB All Imports	10/27/99	CACO	\$1,970	

55	TX	RCRA 3005A RCRA 3002 RCRA 3003	Motiva Enterprises LLC	11/05/99	CACO	\$28,482	
56	TX	CWA 301	Mykawa Foreign Auto Parts, Inc.	10/27/99	CACO	\$2,510	
57	TX	CWA 301	Olegario Cruz - Cruz Salvage Yard	10/27/99	CACO	\$1,350	
58	TX	CWA 301	Pedero Gurola - Las Milpas Yonke	12/23/99	CACO	\$1,370	
59	TX	CWA 301	Pilgrim's Pride Corporation	12/22/99	AO		
60	TX	CWA 301	Raymondville, City of	11/30/99	AO		
61	TX	CWA 301	Roy Stary - Pasadena 4X4 Salvage	12/23/99	CACO	\$1,115	
62	TX	CWA 301	Sam's Motorcycle Sales Inc.	12/23/99	CACO	\$1,150	
63	TX	CWA 301	Shahram Esmi - Shawn's Auto Part	10/27/99	CACO	\$1,510	
64	TX	CWA 301	Softest Designs Corporation	11/30/99	AO		
65	TX	CWA 301	Soori Siroos - Adam's Used Auto Sales	10/27/99	CACO	\$2,025	
66	TX	CWA 301	Southwestern Electric Poser Company	11/30/99	AO		
67	TX	FIFRA 7C	Sunray Pool Chemical Co.	11/17/99	CACO	\$2,400	
68	TX	CWA 301	Tex Tin Corporation	12/09/99	CACO	\$5,000	
69	TX	CWA 301	Tim Lam & Hung Lam - A-J Auto Part	10/27/99	CACO	\$1,500	
70	TX	RCRA 9003	Ultramar Diamond Shamrock	11/24/99	CACO	\$375,866	
71	TX	CWA 301	Union Cycles Inc.	12/23/99	CACO	\$1,406	
72	TX	CWA 301	Usados Truck Parts & Equipment	10/27/99	CACO	\$1,195	
73	TX	CWA 301	Van Ti Lam - Tital Auto Parts	10/27/99	CACO	\$1,230	
74	TX	FIFRA 7C	Voluntary Purchasing Group, Inc.	11/29/99	CACO	\$1,925	
75	TX	CWA 301	Walter Koepp	11/30/99	AO		
76	TX	CWA 301	Weir Bros., Inc.	10/27/99	AO		
77	TX	CWA 301	Winnsboro, City of	11/30/99	AO		

1. AO = Administrative Order closed after compliance with the requirements of the order; APO = Administrative Penalty Order requiring compliance with environmental regulations and assessing a penalty; CACO = Consent Agreement and Order requiring compliance with environmental regulations and/or assessing a penalty; CJ = Civil Judicial Case with the Department of Justice

2. All penalties are Final

3. SEP = Supplemental Environmental Project

### **Narrative Summary:**

**Encycle/Asarco, Texas:** In phase two of the ASARCO initiative, Environmental Protection Agency (EPA) in conjunction with the Texas Natural Resource Conservation Commission (TNRCC), filed a civil action in the United States Courts Southern District of Texas, on April 15, 1999, against in part, ASARCO/Encycle, and ASARCO facilities in Amarillo and El Paso, Texas. The action against the Texas facilities resulted in an agreed civil penalty of

\$5.5 million (\$3.5 million for EPA and \$2 Million for TNRCC) and \$6.7 million in supplemental environmental projects (SEPs) and injunctive relief. The environmental projects included two recycling projects, a green belt (natural habitat) project and a paving (dust control) project. The injunctive relief included two recycling projects (used tire recycling and electrowining) , and a management audit program, as well as requiring the proper treatment, storage, and disposal of approximately 5000 tons of waste contaminated with lead, cadmium, and arsenic. If handled improperly, Lead, Cadmium, and Arsenic are highly toxic and pose a substantial danger to the health, welfare, and safety of persons who may have been subject to exposure either through air, soil, or groundwater. The Encycle facility was required to apply for and receive permits to treat, store, and dispose of waste, and to perform facility wide corrective action including closure of two lagoons.

**EPA Region 6, Issues Largest Penalty Against Ultramar Diamond Shamrock for UST Violations:** On November 24, 1999, Ultramar Diamond Shamrock agreed to pay the U.S. Environmental Protection Agency (EPA) \$375,866 in settlement of EPA's January 1999 administrative penalty order for violations of federal and state underground storage tank regulations. Ultramar Diamond Shamrock, headquartered in San Antonio, Texas, was cited for its failure to report and investigate suspected releases, conduct adequate leak detection and monitor corrosion protection systems on metal components of the underground storage tanks containing gasoline and/or diesel fuels. The Order involved nine stations in Texas and two in Arkansas. A majority of the violations occurred while the stations were owned by Total Petroleum, Inc. Ultramar Diamond Shamrock acquired these stations and has been cooperating with EPA to correct the violations and prevent them from occurring in the future. Failure to comply with the underground storage tank requirements can allow leaks from tanks and/or piping to go undetected and contaminate the soil and groundwater, or cause explosions. Ultramar has 60 days from the effective date of the Consent Agreement and Consent Order to pay the penalty. This is the largest penalty for UST violations in Region 6.

**J. B. Baggett's Superior Bumper Exchange, Inc. (D/B/A/ Superior Chrome Plating) Houston, TX:** On November 22, 1999, EPA filed a Multimedia Consent Agreement and Consent Order (CACO) against J.B. Baggett's Superior Bumper Exchange, Inc. (d/b/a/ Superior Chrome Plating or "Respondent"). The CACO resolved the allegations of the Multimedia Complaint filed on September 20, 1999, for violations of the Resource Conservation and Recovery Act (RCRA), and the Clean Water Act (CWA). RCRA violations included failing to determine that a solid waste was also hazardous, and treating and storing hazardous waste without a permit or interim status and without meeting the permit exemption requirements. The CWA violation included operating its facility without having a storm water permit and pollution prevention plan. All violations were determined as a result of a Compliance Evaluation Inspection (CEI) conducted at Respondent's facility by EPA representatives. Sample analysis results exhibited hazardous waste characteristic for toxicity, which supported inspection report findings. Respondent agreed to pay a penalty (assessed for both RCRA and CWA violations) of \$35,500.00 within twenty-four (24) calendar months.

**Motiva Enterprise LLC, Port Arthur, Jefferson County, TX:** On September 29, 1999, the Environmental Protection Agency filed a civil action against Motiva Enterprise in Port Arthur, Texas for violation of the newly listed Petroleum Refinery wastes of the Resource Conservation Recovery Act. On November 5, 1999, the Consent Agreement and Consent Order was filed for Motiva Enterprises. civil penalty was assessed, settled and paid in the amount of \$28,482. Prior to enforcement action, Motiva voluntarily commenced the remediation of the hazardous waste material. The actual compliance cost for this action, excluding waste disposal cost was \$296,698.